

February 3, 2017

Hon. Catherine McCabe, Acting Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: **PETITION FOR DETERMINATION THAT THE PROMULGATION OF
NEW OR REVISED WATER QUALITY STANDARDS ARE
NECESSARY IN THE STATE OF ALABAMA TO MEET THE
REQUIREMENTS OF THE CLEAN WATER ACT AND TO PREPARE
AND PUBLISH PROPOSED REGULATIONS SETTING FORTH NEW
OR REVISED WATER QUALITY STANDARDS FOR THE STATE OF
ALABAMA**

Dear Ms. McCabe:

Enclosed is a petition that seeks to have the Administrator of the Environmental Protection Agency make a determination that the promulgation of new and revised water quality criteria for priority toxic pollutants, applicable to the navigable waters in the State of Alabama, are necessary to meet the requirements of the Clean Water Act and to have the Administrator prepare and publish proposed regulations at 40 C.F.R. Part 131, Subpart D setting forth new and revised water quality criteria for such priority toxic pollutants.

Congressional impatience with the pace of State toxics control programs resulted in the adoption of stringent new water quality standard provisions in the Water Quality Act Amendments of 1987. Pub. L. 100-4, 101 Stat. 7. In enacting 33 U.S.C. § 1313(c)(2)(B), Congress expressed its determination of the necessity for *prompt* adoption and implementation of water quality criteria for toxic pollutants. Indeed, Congress mandated that every time States adopted new or revised water quality standards and every time States conducted a triennial review of water quality standards, they shall adopt criteria for priority toxic pollutants as necessary to protect human health and aquatic life.

Alabama's failure to complete the timely review of existing water quality criteria and failure to adopt new or revised criteria for priority toxic pollutants to assure the protection of human health and aquatic life as required by 33 U.S.C. § 1313(c)(2)(B) constitutes a failure "to meet the requirements of the Act" and is a sufficient basis for the Administrator to make a determination under 33 U.S.C. § 1313(c)(4)(B) that new and revised water quality criteria are necessary to ensure that human health and aquatic life are adequately protected.

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The Petitioners implore you to carry out the intent of Congress expressed in 33 U.S.C. § 1313(c)(2)(B) that water quality criteria for priority toxic pollutants be promptly adopted to ensure the protection of human health and aquatic life.

Sincerely,



David A. Ludder
Attorney for Petitioners

cc:

Via E-mail at shapiro.mike@epa.gov

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Betsy Southerland, Director
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